

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF PLUMBERS**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Tuesday, July 15, 2014

9:00am

In attendance:

Lionel Bernardino

Anthony Cardarelli

Jeffrey Hutton

Richard Mandarini

Michael Newman

Michael Raposa

William J. Riley, Chair

Larry Giorgi and DLT Director, and were not in attendance.

Also in attendance were E. Patrick Luther, Chief Plumbing Investigator; Mary Ellen McQueeney-Lally, DLT Legal Counsel.

1.) Call to Order: The meeting was called to order at 9:01am by Board Chair William J. Riley.

2.) Minutes of June 17, 2014 Meeting: Michael Newman made a motion to approve the minutes of the June 17, 2014 meeting; seconded by Anthony Cardarelli; and passed unanimously by the Board.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Mary Ellen McQueeney-Lally, DLT Legal Counsel, reminds the Board that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for questions.

4.) Violation Appeal Hearings:

David W. Constabile – Epic Construction and Home Improvement – Violation 4841: E. Patrick Luther, DLT Chief Plumbing Investigator; Robert Fratus, DLT Chief Electrical Investigator; David W. Constabile, Respondent; and, are sworn in for testimony. E. Patrick Luther read Violation #4841 into the record.

DATE: 5/6/2014

NAME OF VIOLATOR: David W. Constabile – Epic Construction and

Home Improvement

**LOCATION OF VIOLATION: Fonzies Market 120 Knowles Way Ext.
Narragansett, RI**

VIOLATION:

RIGL 5-20-8 Practices for which a master's license required

RIGL 5-20-26 Municipal inspectors and installation permits

On March 20, 2014, RIDLT Chief Plumbing Investigator, E. Patrick Luther, conducted an inspection at the above location along with Chief Electrical Inspector, Robert Fratus. Epic Construction, David Constabile, was installing new cabinets and countertops. Upon entering the premises, in the truck outside belonging to Mr. Constabile, there were two rolls of pex tubing. Upon talking with Mr. Constabile, he admitted to installing a grease trap and connecting a 3 bay stainless steel sink to the grease trap and potable water system. Mr. Constabile is not a licensed Master Plumber in RI and no permit was taken in the Town of Narragansett, RI. This is a violation of the above referenced RI General Laws.

As per RIGL 5-20-33 a \$1,000.00 fine was assessed with Violation 4841.

E. Patrick Luther provides testimony. The Board reviews information.

E. Patrick Luther submits a letter from David Constabile to the Department as Exhibit A. Mr. Luther reads the letter. Mr. Luther's

testimony continued.

The Board questions David Constabile. Mr. Constabile provides testimony.

Christopher Alfano, owner of Fonzie's Market, is sworn in for testimony.

Robert Fratus provides testimony.

The Board continues questioning parties.

Shawn Fagan, witness for respondent, is sworn in and provides testimony.

Testimony continued.

Michael Raposa made a motion that Violation 4841 did occur; seconded by Lionel (Leo) Bernardino; and passed unanimously by the Board.

Regarding the fine, Michael Raposa made a motion per RIGL 5-20-33 the fine of \$1,000.00 be upheld for violations of RIGL 5-20-8 and RIGL 5-20-26. Michael Newman seconded the motion. The motion passed unanimously.

The recommendation will be forwarded to the Deputy Director's office.

End of hearings.

5.) Apprentice Approvals / Apprentice Registrations:

- **Miguel Santana Neal Lund MP002124**
- **Josh O'Leary Joe Silva CMP003592**
- **Maxwell McCaughey Joe Silva CMP003592**
- **Thomas Serabian II Thomas Serabian MP001913**
- **Chris Piasieki Dale Tessier MP002068**
- **Nicholas Nickiloulas Same**
- **Chris Ferra Bruce Dumais MP001903**
- **Tyler Demelo Robert Cabral MP001376**

Anthony Cardarelli made a motion to accept the new apprentice approvals / apprentice registrations; seconded by Michael Raposa and passed unanimously by the Board.

6.) Adjournment: Lionel Bernardino made a motion to adjourn; seconded by Michael Newman. The motion passed unanimously. The meeting adjourned at 9:35am.